

INSTRUCTIONS FOR PETITION FOR POST-CONVICTION RELIEF

In order for this petition to receive consideration by the court, each applicable question must be answered fully but concisely in, legible handwriting or by typing. When necessary, an answer to a particular question may be completed on the reverse side of the page or on an additional blank page, making clear which question such continued answer refers.

Any false statement of fact made and sworn to under oath in this petition could serve as the basis for prosecution and conviction for perjury. Therefore, exercise care to assure that all answers are true and correct.

NO ISSUE WHICH HAS ALREADY BEEN RAISED AND DECIDED ON APPEAL OR IN A PREVIOUS PETITION MAY BE USED AS A BASIS FOR THIS PETITION.

TAKE CARE TO INCLUDE EVERY GROUND FOR RELIEF WHICH IS KNOWN AND WHICH HAS NOT BEEN RAISED AND DECIDED PREVIOUSLY, SINCE FAILURE TO RAISE ANY SUCH GROUND IN THIS PETITION WILL BAR ITS BEING RAISED LATER.

When the petition is complete, mail it to the clerk of the superior court of the county in which conviction occurred.

FORM XXV. PETITION FOR POST-CONVICTION RELIEF

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF _____

Name _____

Address _____

City, state, zip _____

Phone number _____

I. _____ CR _____
Petitioner's Name

Petitioner's prison number (if any)

II. Petitioner is now: A. ☐ On Parole
B. ☐ On Probation
C. ☐ Confined in _____

III. (A) Petitioner was convicted of the following crimes:

(B) Petitioner was sentenced on : _____ following a
☐ Trial by Jury
☐ Trial by a Judge without a Jury
☐ Plea of Guilty
☐ Plea of No Contest
in the _____ court for _____ County with
Judge _____ presiding.

IV. Petitioner is eligible for relief because of:
☐ The introduction at trial of evidence obtained pursuant to an unlawful arrest.

☐ The introduction at trial of evidence obtained by an unconstitutional search and seizure.

☐ The introduction at trial of an identification obtained in violation of constitutional rights.

☐ The introduction at trial of a coerced confession.

☐ The introduction at trial of a statement obtained in the absence of a lawyer at a time when representation is constitutionally required.

- () Any other infringement of the right against self-incrimination.
 - () The denial of the constitutional right to representation by a competent lawyer at every critical stage of the proceeding.
- () The unconstitutional suppression of evidence by the state.
- () The unconstitutional use by the state of perjured testimony.
- () An unlawfully induced plea of guilty or no contest.
- () Violation of the right not to be placed twice in jeopardy for the same offense.
 - () The abridgement of any other right guaranteed by the constitution or the laws of this state, or the constitution of the United States, including a right that was not recognized as existing at the time of the trial if retrospective application of that right is required.
 - () The existence of newly-discovered material which require the court to vacate the conviction or sentence. (Specify when petitioner learned of these facts for the first time, and show how they would have affected the trial.)
- () The lack of jurisdiction of the court which entered the conviction or sentence.
 - () The use by the state in determining sentence of a prior conviction obtained in violation of the United States or Arizona constitutions.
 - () Sentence imposed other than in accordance with the sentencing procedures established by rule and statute.
 - () Being held beyond the term of sentence or after parole or probation has been unlawfully revoked.
 - () The failure of the judge at sentencing to advise petitioner of his right to appeal and the procedures for doing so.
 - () The failure of petitioner's attorney to file a timely notice of appeal after being instructed to do so.
- () The obstruction by state officials of the right to appeal.

() Any other ground within the scope of Rule 32 of the Arizona Rules of Criminal Procedure (please specify).

V. The facts in support of the alleged error(s) upon which this petition is based are contained in Attachment A. (State facts clearly and fully; citations or discussions of authorities need not be included).

VI. Supporting Exhibits:

(A) The following exhibits are attached in support of the petition:

() Affidavits (Exhibit(s) #_____)

() Records (Exhibit(s) #_____)

() Other supporting evidence (Exhibit(s) #_____)

(B) No affidavits, records or other supporting evidence are attached because

VII. Petitioner has taken the following actions to secure relief from his convictions or sentences:

(A) Direct Appeal: () Yes () No (If yes, name of the courts to which appeals were taken, date, number, and results.)

(B) Previous Rule 32 Proceedings: () Yes () No (If yes, name the court in which such petitions were filed, dated, numbers, and results, including all appeals from decisions of such petitions.)

- (C) Previous Habeas Corpus or Special Action Proceedings in the Courts of Arizona:
() Yes () NO (If yes, name the courts in which such petitions were filed, dates, numbers, and results, including all appeals from decisions on such petitions.)

- (D) Habeas Corpus of Other Petitions in Federal Courts:
() Yes () No (If yes, name the districts in which petitions were filed, dates, court numbers-civil action or miscellaneous, and results, including all appeals from decisions on such petitions.)

- VIII. Petitioner was represented by the following lawyer at (place name of counsel in the blanks and their address if known):

Arraignment and Plea _____

Trial _____

Sentencing Hearing _____

Appeal (if any) _____

Preparation, presentation, or consideration of any previous petitions or motions for post-conviction relief filed in connection with this conviction.

- XIV. The issues which are raised in this petition have not been finally decided nor raised before because: (State facts.)

- X. Because of the foregoing reasons, the relief which the petitioner desires is:

(A) () Release from custody and discharge.

(B) () A new trial.

(C) () Correction of sentence.

(D) () The right to file a delayed appeal.

(E) () Other relief (specify):

XI. Petitioner is presently represented by counsel.

() Yes () No. If yes, his name and address.

If no, does the petitioner request the court to appoint counsel to represent him in this proceeding? () Yes () No

I swear or affirm that this petition includes all the claims and grounds for post-conviction relief that are known to me, that I understand that no further petitions concerning this conviction may be filed on any ground of which I am aware but do not raise at this time, and that the information contained in this form and in any attachments is true to the best of my knowledge or belief.

Petitioner

Subscribed and sworn to before me on the _____ day of _____, 20____.

Notary Public

My Commission Expires